

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALAN HERZ,

Plaintiff,

-against-

THE CITY OF NEW YORK; BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK; NEW YORK CITY OFFICE OF SPECIAL INVESTIGATIONS; NEW YORK CITY OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT; ADAM BOXER, MOSES OJEDA,; ROXANNA THOMAS; LAURA HEMANS BRANTLEY, ESQ.; HOWARD FRIEDMAN; JESSICA GROPPE a/k/a/ JESSICA KISHPAUH and "JOHN AND JANE DOE # 1-100" said names being fictitious, it being the intent of Plaintiff to designate any and all individuals, officers, members, agents, servants, and/or employees of the aforementioned agencies owing a duty of care to Plaintiff, individual and jointly and severally,

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS THE
COMPLAINT**

No. 20 Civ. 2846 (JPO)

Defendants.

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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint and upon all the papers and proceedings previously had herein, Defendants the City of New York, Board of Education of the City School District of the City of New York, New York City Office of Special Investigations, New York City Office of Equal Opportunity and Diversity Management, Adam Boxer, Moses Ojeda, Roxanna Thomas, Laura Hemans Brantley, and Jessica Kishpaugh¹, will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York,

¹ Upon information and belief, individually name defendant Howard Friedman has not been served a copy of the summons and complaint. Accordingly, no appearance is being made on his behalf at this time.

New York 10007, before the Honorable J. Paul Oetken, on a date and time to be decided by the Court, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the Complaint on the grounds that the Plaintiff's claims are barred by the statute of limitations, barred by Plaintiff's failure to file a timely notice of claim, and that Plaintiff fails to state a claim upon which relief can be granted, and granting such other and further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Plaintiff shall serve and file any opposing affidavits and answering memoranda of law on or before May 14, 2020, and Defendant shall serve and file any reply affidavits and memoranda of law on or before May 21, 2020.

Date: New York, New York
 April 30, 2020

JAMES E. JOHNSON
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City of New York
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By: /s/ *Nicholas Green*
 Nicholas Green
 Assistant Corporation Counsel

TO: Thomas F. Liotti, Esq. (via ECF)
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No. 20 Civ. 2846 (JPO)

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ALAN HERZ,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

**NOTICE OF DEFENDANTS' MOTION TO
DISMISS THE COMPLAINT**

JAMES E. JOHNSON

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Attorney for Defendants

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New York, NY 10007

Of Counsel: Nicholas Green

Tel: (212) 356-2445

Matter No.: 2020-012038

Due and timely service is hereby admitted.

New York, N.Y....., 2020

..... Esq.

Attorney for.....